

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JAKE BROWN,

Plaintiff,

Case No. 04-73767

v.

HONORABLE DENISE PAGE HOOD

NORTHWEST AIRLINES, INC.,

Defendant.

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ORDER

This matter is before the Court on Defendant Northwest Airlines, Inc.'s [hereinafter "NWA"] Motion for Partial Summary Judgment filed June 27, 2005. Plaintiff filed his Response to Defendant's Motion for Partial Summary Judgment on August 17, 2005. Defendant filed a Reply Brief in Support of Its Motion for Partial Summary Judgment on August 24, 2005.

In its Motion, Defendant NWA asks this Court to grant the Motion for Partial Summary Judgment as to Plaintiff's claims for loss of future earning capacity, scarring, disfigurement and exemplary damages because there are no issues of material fact, and Plaintiff would not be able to support these claims at trial. Plaintiff in his Response to Defendant's Motion for Partial Summary Judgment has informed the Defendant of a willingness to stipulate to the dismissal of the loss of earning capacity and exemplary damages claims, but asks this Court to reserve the claim for scarring and disfigurement alleging that knee surgery is still a possibility in the future.

For reasons stated on the record, the Court GRANTS Defendant Northwest Airline, Inc.'s Motion for Partial Summary Judgment as to Plaintiff's claims for loss of future earning capacity,

and exemplary damages. As to Plaintiff's claims for scarring and disfigurement, the Court GRANTS Defendant Northwest Airline, Inc.'s Motion for Partial Summary Judgment with respect to any claim for future scarring and disfigurement, the basis of which is the opinion of any medical professional expressed prior to the date of this order.

Accordingly,

IT IS ORDERED that Defendant Northwest Airline, Inc.'s Motion for Partial Summary Judgment [**Docket No. 18, filed June 27, 2005**] as to Plaintiff's claims for loss of future earning capacity, and exemplary damages is GRANTED.

IT IS FURTHER ORDERED Defendant Northwest Airline, Inc.'s Motion for Partial Summary Judgment [**Docket No. 18, filed June 27, 2005**] is GRANTED with respect to any claim for future scarring and disfigurement, the basis of which is the opinion of any medical professional expressed prior to the date of this order.

/s/ Denise Page Hood
DENISE PAGE HOOD
United States District Judge

DATED: September 1, 2005